



FDIC

Federal Deposit Insurance Corporation

Boston Area Office - Legal Division

15 Braintree Hill Office Park, Braintree, MA 02184

FILED
IN CLERKS OFFICE

2006 JUL -3 P 1:51

Tel. (781) 794-5500

Fax (781) 794-5600

U.S. DISTRICT COURT
DISTRICT OF MASS.

July 3, 2006

HAND DELIVERED

Civil Clerk
United States District Court
for the District of Massachusetts
One Courthouse Way
Boston, MA 02210

Re: *Citizens Bank of Massachusetts v. Pamela Baker Coleman and Federal Deposit Insurance Corporation*
U.S. District Court Case No.: 06 CA 10959 MLW
Removed from Suffolk Superior Court

Dear Sir/ Madam:

Enclosed please find a certified copy of the docket and copies of all docket entries, records and proceedings in the above-referenced matter which was removed from Suffolk Superior Court on June 1, 2006. A disk containing the state court record in PDF format shall be forwarded to the clerk's office under separate cover. If you have any questions please contact me at 781-794-5701.

Thank you for assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Paul D. Maggioni".
Paul D. Maggioni

cc: Robert L. Hamer, Esq. (w/o attachments)
Christopher T. Meir, Esq. (w/o attachments)
David B. Stein, Esq. (w/o attachments)
Linda Charet, Esq., NYLSO

Commonwealth of Massachusetts

SUFFOLK SUPERIOR COURT

Case Summary

Civil Docket

FILED
IN CLERKS OFFICE

SUCV2005-02454

Citizens Bank Massachusetts v Coleman et al

| | | | |
|--------------------|------------|------------------|----------------------------------------------|
| File Date | 06/16/2005 | Status | Disposed: transfered to other court (dtrans) |
| Status Date | 06/01/2006 | Session | BLS2 - CtRm 1017, 3 Pemberton Sq, Boston |
| Origin | 1 | Case Type | BE1 - Fraud, business torts, etc |
| Lead Case | | Track | B |

| | | | | | |
|------------------|------------|--------------------|------------|---------------------|------------|
| Service | | Answer | | Rule12/19/20 | |
| Rule 15 | | Discovery | 02/21/2006 | Rule 56 | 04/04/2006 |
| Final PTC | 05/15/2006 | Disposition | | Jury Trial | Unknown |

PARTIES

Plaintiff

Citizens Bank Massachusetts
Active 06/16/2005

Private Counsel 218715

Robert L Hamer
Mirick O'Connell DeMallie & Lougee
100 Front Street
Suite 1700
Worcester, MA 01608-1477
Phone: 508-791-8500
Fax: 508-791-8502
Active 06/16/2005 Notify

Private Counsel 640995

Christopher T Meier
Mirick O'Connell DeMallie & Lougee
100 Front Street
Suite 1700
Worcester, MA 01608-1477
Phone: 508-791-8500
Fax: 508-791-8502
Active 06/16/2005 Notify

Defendant

Pamela Baker Coleman
Answered: 07/18/2005
Answered 07/18/2005

Private Counsel 556456

David B Stein
Rubin Weisman Colasanti Kajko Stein LLP
430 Bedford Street
Lexington, MA 02420-1524
Phone: 781-860-9500
Fax: 781-863-0046
Active 07/20/2005 Notify

Defendant

Federal Deposit Insurance Corp (As Amended)
Served: 03/07/2006
Served (answr pending) 03/21/2006

Private Counsel 555064

Paul D Maggioni Jr.
Federal Deposit Insurance Corporation
15 Braintree Hill Office Park
Legal Department
Franklin, MA 02038
Phone: 718-794-5701
Fax:
Active 06/01/2006 Notify

ENTRIES

| Date | Paper | Text |
|------------|-------|----------------------------|
| 06/16/2005 | 1.0 | Complaint (Business) filed |

Commonwealth of Massachusetts

SUFFOLK SUPERIOR COURT

Case Summary

Civil Docket

SUCV2005-02454**Citizens Bank Massachusetts v Coleman et al**

| Date | Paper | Text |
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| 06/16/2005 | | Origin 1, Type BE1, Track B. |
| 06/16/2005 | 2.0 | Civil action cover sheet filed |
| 06/28/2005 | 3.0 | Notice of Acceptance into Business Litigation Session - (vanGestel,J) (Dated 6/23/05) notice sent 6/24/05 |
| 07/18/2005 | 4.0 | ANSWER: Pamela Baker Coleman(Defendant) (jury reqstd) |
| 08/15/2005 | 5.0 | Order: 1. Discovery shall be completed by Dec 6,2005 2. Any motion for summary judgment shall be served no later than January 20,2006 3. A hearing on the motion for summary judgment shall be conducted on February 28,2005 at 2pm - In the event no summary judgment motion has been filed this hearing shall be a litigation control conference (Gants,J) Notice sent 8/17/05 |
| 11/02/2005 | 7.0 | Affidavit of David W Silverstein |
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| 11/21/2005 | 9.0 | Defendant Pamela Baker Coleman's MOTION to dissolve real estate attachment, filed & ALLOWED, w/o prejudice after hearing, on 11/17/05 (Ralph Gants, Justice) notice sent 11/18/05 |
| 12/02/2005 | 10.0 | Request upon clerk to default (55a) re: Watertown Savings Bank by Citizens Bank Massachusetts |
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| 03/07/2006 | | MOTION (P#14) ALLOWED (E Susan Garsh, Justice) Notices mailed 3/1/2006 (entered 2/27/06) |
| 03/07/2006 | 15.0 | Amended complaint of Citizens Bank Massachusetts, filed on 2/27/06 |
| 03/21/2006 | 16.0 | SERVICE RETURNED: Federal Deposit Insurance Corp (As Amended)(Defendant) (In hand on 3/7/06) |
| 03/29/2006 | 17.0 | Plaintiff Citizens Bank Massachusetts's MOTION for Summary Judgment, pursuant to Mass.R.Civ.P. 56, as to Pamela Baker Coleman w/o opposition |
| 03/29/2006 | 18.0 | Affidavit of Robert L. Hamer |
| 03/29/2006 | 19.0 | Affidavit of David W. Silverstein |
| 04/04/2006 | 20.0 | Plaintiff Citizens Bank Massachusetts's MOTION for Memorandum of Lis |

Commonwealth of Massachusetts

SUFFOLK SUPERIOR COURT

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Civil Docket

SUCV2005-02454

Citizens Bank Massachusetts v Coleman et al

| Date | Paper | Text | |
|------------|-------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | 20.0 | Pendens w/o opposition | |
| 04/04/2006 | 21.0 | Affidavit of Christopher T. Meier in support of plff's Motion for Memorandum of Lis Pendens | |
| 04/11/2006 | | MOTION (P#20) ALLOWED without opposition (Ralph D Gants, Justice) Notices mailed 4/10/2006 | |
| 04/11/2006 | 22.0 | ORDER re: lis pendens (Ralph D Gants, Justice) Notice sent 4/10/06 | I HEREBY ATTEST AND CERTIFY ON <u>JUNE 20, 2006</u> , THAT THE FOREGOING DOCUMENT IS A FULL, TRUE AND CORRECT COPY OF THE ORIGINAL ON FILE IN MY OFFICE, AND IN MY LEGAL CUSTODY. MICHAEL JOSEPH DONOVAN CLERK / MAGISTRATE SUFFOLK SUPERIOR CIVIL COURT DEPARTMENT OF THE TRIAL COURT <i>Clara J. Walsh</i> ASSISTANT CLERK. |
| 04/11/2006 | | MOTION (P#13) ALLOWED (Ralph D Gants, Justice) Notices mailed 4/11/2006 | |
| 04/11/2006 | 23.0 | ORDER It is hereby ORDERED as follows 1)Plaintiff's motion shall be and hereby is ALLOWED (Ralph D Gants, Justice) (SEE P#23 for complete order) Notice sent 4/11/06 | |
| 05/01/2006 | 24.0 | Court received request for leave to file memorandum in reply to def't's memorandum in opposition to the Bank's motion for partial summary judgment by plff, filed by leave, & ALLOWED on 4/25/06 (Ralph Gants, Justice) notice sent 4/28/06 | |
| 05/11/2006 | 25.0 | Plaintiff's Reply Memorandum on Summary Judgment | |
| 05/11/2006 | 26.0 | Second Affidavit of Counsel Christopher T Meier | |
| 05/24/2006 | 27.0 | MEMORANDUM AND ORDER ON PLFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT & ALLOWED IN THE AMOUNT OF \$354,334.33 (Ralph D Gants, Justice). Copies mailed 5/23/06 (entered 5/22/06) | |
| 06/01/2006 | | Certified copy of petition for removal to U. S. Dist. Court of Def't. Federal Deposit Insurance Corporation U. S. Dist.#(06-CA-10959MLW). | |
| 06/01/2006 | | Case REMOVED this date to US District Court of Massachusetts | |

EVENTS

| Date | Session | Event | Result |
|------------|------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 08/11/2005 | CtRm 1017, 3 Pemberton | Conf: litigation contrl Rule 16 | Event not held-joint request |
| 08/15/2005 | CtRm 1017, 3 Pemberton | Conf: litigation contrl Rule 16 | Event held as scheduled |
| 11/03/2005 | CtRm 1017, 3 Pemberton | Motion/Hearing: R E attachmnt | Event held as scheduled |
| 11/10/2005 | CtRm 1017, 3 Pemberton | Ex parte motion for real estate & trustee process attachment Motion/Hearing: R E attachmnt & trustee process attachment (to dissolve attachments?) | Event not held-joint request |
| 11/17/2005 | CtRm 1017, 3 Pemberton | Motion/Hearing: miscellaneous hearing on whether of not to dissolve real estate & trustee process attachments (no motion filed as of 11/9/05) | Event held as scheduled |
| 02/28/2006 | CtRm 1017, 3 Pemberton | Motion/Hearing: Rule56 | Event rescheduled by court prior to date |
| 04/11/2006 | CtRm 1017, 3 Pemberton | Motion/Hearing: Compel P#13 Motion allowed on papers - no opposition | Event canceled not re-scheduled |
| 05/15/2006 | CtRm 1017, 3 Pemberton | Motion/Hearing: Rule56 | Event held as scheduled |

Suffolk Superior Civil # 05-2454 ✓
06 CA 10959 MLW

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FILED
IN CLERKS OFFICE

CITIZENS BANK OF MASSACHUSETTS,

Plaintiff,

- against -

PAMELA BAKER COLEMAN, and
FEDERAL DEPOSIT INSURANCE CORP.,

Defendants.

2006 JUN -1 A 11:56

Civil Action No. 05-2454
U.S. DISTRICT COURT
DISTRICT OF MASS.
Removed from the Superior Court
Department of the Trial Court
Suffolk County



that the
document is true and correct copy of the
original filed in the captioned case
original filed on 6/1/06
in the office on 6/1/06

NOTICE OF REMOVAL FROM STATE COURT

Now comes the Federal Deposit Insurance Corporation in its corporate capacity

("FDIC"), and respectfully notifies the Court as follows:

1. The FDIC is a defendant in a civil action now pending in the Superior Court Department of the Trial Court of Massachusetts, Suffolk County, Massachusetts, Civil Action No. 05-2454-BL52.

2. A trial has not yet been had in the aforesaid case.

3. A certified copy of the Superior Court Docket is attached hereto as Exhibit

"A".

4. Certified or attested copies of all records and proceedings in the Superior Court shall be filed with this court within thirty (30) days from the date hereof.

5. A copy of the Amended Complaint and Summons is attached hereto as Exhibit "B".

SUFFOLK SUPERIOR COURT
CLERK'S OFFICE
2006 JUN -1 P 2:27
CLERK: JOSEPH DONOVAN
CLERK/MAGISTRATE


6. This Petition for Removal is brought pursuant to 12 U.S.C. Section 1819 (Fourth), and 28 U.S.C. Section 1446. No bond is required under the preceding statutory provisions.

WHEREFORE, the aforesaid action now pending in the Superior Court, Department of the Trial Court of Massachusetts, Suffolk County, Massachusetts, is properly removed therefrom to this Court.

Dated: Braintree, Massachusetts
June 4, 2006

Respectfully submitted,

FEDERAL DEPOSIT INSURANCE CORPORATION

By: 
Paul D. Maggioni, Esq. #555064

Federal Deposit Insurance Corporation
Boston Area Office – Legal Division
15 Braintree Hill Office Park
Braintree, Massachusetts 02184
Phone: (781) 794-5701
Fax: (781) 794-5600
Email: pmaggioni@fdic.gov

Suffolk Superior Civil # 05-2454 ✓
COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
Civil Action No. 05-2454-BLS2

-----X
CITIZENS BANK OF MASSACHUSETTS, :

Plaintiff, :

- against - :

PAMELA BAKER COLEMAN, and :
FEDERAL DEPOSIT INSURANCE CORP., :

Defendants. :
-----X

**NOTICE TO STATE COURT
OF FILING OF NOTICE
OF REMOVAL**

To: Civil Clerk
Suffolk Superior Court
Three Pemberton Square
Boston, Massachusetts 02108

SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE
2006 JUN - 1 P 2:27
MICHAEL JOSEPH DONOVAN
CLERK/MAGISTRATE

Notice is hereby given that this case was removed to the United States District Court for
the District of Massachusetts at Boston, Massachusetts on the 1st day of June, 2006.

You will find herewith a certified copy of the Notice of Removal which has been filed in
the United States District Court

Dated: Braintree, Massachusetts
June 1, 2006

Respectfully submitted,

FEDERAL DEPOSIT INSURANCE CORPORATION
By its attorneys:

By: Paul D. Maggioni
Paul D. Maggioni, Esq. #555064

Federal Deposit Insurance Corporation
Boston Area Office – Legal Division
15 Braintree Hill Office Park
Braintree, Massachusetts 02184
Phone: (781) 794-5701
Fax: (781) 794-5600
Email: pmaggioni@fdic.gov

CIVIL COVER SHEET ATTACHMENT

1 (a) PLAINTIFFS:

CITIZENS BANK OF MASSACHUSETTS.

(c) ATTORNEY'S (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)

**ROBERT L. HAMER, ESQ.,
CHRISTOPHER T. MEIR, ESQ.
MIRICK, O'CONNELL, DEMAILLE & LOUGEE, LLP
100 FRONT STREET
WORCESTER, MA 06108
(508) 791 - 8500**

1 (a) DEFENDANTS:

PAMELA BAKER COLEMAN.

FEDERAL DEPOSIT INSURANCE CORPORATION (FDIC).

(c) ATTORNEY'S (FIRM NAME, ADDRESS AND TELEPHONE NUMBER)

**ATTORNEY FOR COLEMAN:
DAVID B. STEIN, ESQ.
RUBIN, WEISMAN, COLASANTI, KAJKO & STEIN, LLP
430 BEDFORD STREET
LEXINGTON, MA 02420
(781) 860-9500**

**ATTORNEY FOR FDIC:
PAUL D. MAGGIONI, ESQ.
FDIC - BOSTON AREA OFFICE - LEGAL DIVISION
15 BRAINTREE HILL OFFICE PARK
BRAINTREE, MA 02184
(781) 794-5701
pmaggioni@fdic.gov**

JS 44 (Rev. 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

CITIZENS BANK OF MASSACHUSETTS

(b) County of Residence of First Listed Plaintiff SUFFOLK
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)
(see attachment)

DEFENDANTS IN CLERKS OFFICE

PAMELA BAKER COLEMAN

FEDERAL DEPOSIT INSURANCE CORPORATION

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE
LAND INVOLVED.

Attorneys (If Known)

(see attachment)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|-----------------------------------------|----------------------------|----------------------------|---------------------------------------------------------------|----------------------------|----------------------------|
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

| CONTRACT | TORTS | FORFEITURE/PENALTY | BANKRUPTCY | OTHER STATUTES | |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise | PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights | PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input checked="" type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition | <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act | <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 | <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes |

V. ORIGIN

(Place an "X" in One Box Only)

- ☐ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
12 USC § 1819 and 28 USC § 1446

Brief description of cause:

PLAINTIFF SEEKS DAMAGES FOR CERTAIN FRAUDULENT CONVEYANCES.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$
CONSTRUCTIVE TRUST

CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☒ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

PAUL D. MAGGIONI, ESQ.

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

EXHIBIT "A"

Commonwealth of Massachusetts

SUFFOLK SUPERIOR COURT

Case Summary

Civil Docket

SUCV2005-02454

Citizens Bank Massachusetts v Coleman et al

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PARTIES

Plaintiff

Citizens Bank Massachusetts
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Private Counsel 218715

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Defendant

Pamela Baker Coleman
Answered: 07/18/2005
Answered 07/18/2005

Private Counsel 556456

David B Stein
Rubin Weisman Colasanti Kajko Stein LLP
430 Bedford Street
Lexington, MA 02420-1524
Phone: 781-860-9500
Fax: 781-863-0046
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Defendant

Federal Deposit Insurance Corp (As Amended)
Served: 03/07/2006
Served (answr pending) 03/21/2006

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| 03/29/2006 | 17.0 | Plaintiff Citizens Bank Massachusetts's MOTION for Summary Judgment, pursuant to Mass.R.Civ.P. 56, as to Pamela Baker Coleman w/o opposition |
| 03/29/2006 | 18.0 | Affidavit of Robert L. Hamer |
| 03/29/2006 | 19.0 | Affidavit of David W. Silverstein |
| 04/04/2006 | 20.0 | Plaintiff Citizens Bank Massachusetts's MOTION for Memorandum of Lis Pendens w/o opposition |

SUCV2005-02454

Citizens Bank Massachusetts v Coleman et al

| Date | Paper | Text |
|------------|-------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 04/04/2006 | 21.0 | Affidavit of Christopher T. Meier in support of plff's Motion for Memorandum of Lis Pendens |
| 04/11/2006 | | MOTION (P#20) ALLOWED without opposition (Ralph D Gants, Justice) Notices mailed 4/10/2006 |
| 04/11/2006 | 22.0 | ORDER re: lis pendens (Ralph D Gants, Justice) Notice sent 4/10/06 |
| 04/11/2006 | | MOTION (P#13) ALLOWED (Ralph D Gants, Justice) Notices mailed 4/11/2006 |
| 04/11/2006 | 23.0 | ORDER It is hereby ORDERED as follows 1)Plaintiff's motion shal be and hereby is ALLOWED (Ralph D Gants, Justice) (SEE P#23 for complete order) Notice sent 4/11/06 |
| 05/01/2006 | 24.0 | Court received request for leave to file memorandum in reply to deff's memorandum in opposition to the Bank's motion for partial summary judgment by plff, filed by leave, & ALLOWED on 4/25/06 (Ralph Gants, Justice) notice sent 4/28/06 |
| 05/11/2006 | 25.0 | Plaintiff's Reply Memorandum on Summary Judgment |
| 05/11/2006 | 26.0 | Second Affidavit of Counsel Christopher T Meier |
| 05/24/2006 | 27.0 | MEMORANDUM AND ORDER ON PLFF'S MOTION FOR PARTIAL SUMMARY JUDGMENT & ALLOWED IN THE AMOUNT OF \$354,334.33 (Ralph D Gants, Justice). Copies mailed 5/23/06 (entered 5/22/06) |

EVENTS

| Date | Session | Event | Result |
|------------|------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------|
| 08/11/2005 | CtRm 1017, 3 Pemberton | Conf: litigation contrl Rule 16 | Event not held-joint request |
| 08/15/2005 | CtRm 1017, 3 Pemberton | Conf: litigation contrl Rule 16 | Event held as scheduled |
| 11/03/2005 | CtRm 1017, 3 Pemberton | Motion/Hearing: R E attachmnt Ex parte motion for real estate & trustee process attachment | Event held as scheduled |
| 11/10/2005 | CtRm 1017, 3 Pemberton | Motion/Hearing: R E attachmnt & trustee process attachment (to dissolve attachments?) | Event not held-joint request |
| 11/17/2005 | CtRm 1017, 3 Pemberton | Motion/Hearing: miscellaneous hearing on whether of not to dissolve real estate & trustee process attachments (no motion filed as of 11/9/05) | Event held as scheduled |
| 02/28/2006 | CtRm 1017, 3 Pemberton | Motion/Hearing: Rule56 | Event rescheduled by court prior to date |
| 04/11/2006 | CtRm 1017, 3 Pemberton | Motion/Hearing: Compel P#13 Motion allowed on papers - no opposition | Event canceled not re-scheduled |
| 05/15/2006 | CtRm 1017, 3 Pemberton | Motion/Hearing: Rule56 | Event held as scheduled |

I HEREBY ATTEST AND CERTIFY ON

June 1, 2006 THAT THE
FOREGOING DOCUMENT IS A FULL,
TRUE AND CORRECT COPY OF THE
ORIGINAL ON FILE IN MY OFFICE,
AND IN MY LEGAL CUSTODY.

MICHAEL JOSEPH DONOVAN
CLERK / MAGISTRATE
SUFFOLK SUPERIOR CIVIL COURT
DEPARTMENT OF THE TRIAL COURT

EXHIBIT "B"

Commonwealth of Massachusetts

COPY

SUFFOLK, ss.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION

No. 05-2454-BL52

CITIZENS BANK OF MASSACHUSETTS, Plaintiff(s)

v.

PAMELA BAKER COLEMAN and FEDERAL DEPOSIT, Defendant(s)
INSURANCE CORPORATION

SUMMONS

To the above-named Defendant:

You are hereby summoned and required to serve upon Christopher T. Meier,
Mirick, O'Connell, DeMallie & Lougee, LLP

plaintiff's attorney, whose address is 100 Front Street, Worcester, MA 01608, an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You are also required to file your answer to the complaint in the office of the Clerk of this court at Boston either before service upon plaintiff's attorney or within a reasonable time thereafter.

Unless otherwise provided by Rule 13(a), your answer must state as a counterclaim any claim which you may have against the plaintiff which arises out of the transaction or occurrence that is the subject matter of the plaintiff's claim or you will thereafter be barred from making such claim in any other action.

Barbara J. Rouse

Witness, Suzanne M. DeVoschio, Esquire, at Boston, the 3rd day of
March, in the year of our Lord two thousand and six.

A TRUE COPY, ATTEST:

DEPUTY SHERIFF

DATE 3/7/06

Michael Joseph Donovan
Clerk/Magistrate

NOTES.

1. This summons is issued pursuant to Rule 4 of the Massachusetts Rules of Civil Procedure.
2. When more than one defendant is involved, the names of all defendants should appear in the caption. If a separate summons is used for each defendant, each should be addressed to the particular defendant.
3. TO PLAINTIFF'S ATTORNEY: PLEASE CIRCLE TYPE OF ACTION INVOLVED
(1) TORT — (2) MOTOR VEHICLE TORT — (3) CONTRACT — (4) EQUITABLE RELIEF — (5) OTHER

NOTICE TO DEFENDANT — You need not appear personally in court to answer the complaint, but if you claim to have a defense, either you or your attorney must serve a copy of your written answer within 20 days as specified herein and also file the original in the Clerk's Office.

COPY

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO. 05-2454-BLS2

CITIZENS BANK OF MASSACHUSETTS,
Plaintiff

V.

PAMELA BAKER COLEMAN, and
FEDERAL DEPOSIT INSURANCE
CORPORATION
Defendants

AMENDED COMPLAINT

1. The plaintiff, Citizens Bank of Massachusetts, (the "Bank") is a duly formed banking institution with a usual place of business located at 53 State Street, Boston, Massachusetts, and is the successor-in-interest to Federal Savings Bank.
2. The defendant, Pamela Baker Coleman, is a resident of Waltham, Massachusetts. She is the wife of Martin J. Coleman, III, and has been married to him at all times relevant. By virtue of such relationship, she is an insider as concerns transfers by her husband within the meaning of G.L. c.109A, §2.
3. On June 7, 1994, judgment entered for Federal Savings Bank and against Martin J. Coleman, III, in Federal Savings Bank v. Martin J. Coleman, Individually and as Trustee of Colburn Street Realty Trust, Middlesex Superior Court, Civil Action No. 93-7254, in the amount of \$609,241.64. The Bank is the present holder of that Judgment, which remains wholly unsatisfied.
4. The defendant, Federal Deposit Insurance Corporation ("FDIC") is a corporation created by federal statute and is a party in interest to certain claims herein to the extent that it

continues to hold record title to mortgages against 56-60 Russell Street, Waltham, Massachusetts; 156-158 Ash Street, Waltham, Massachusetts; and 331-333 Grove Street, Waltham, Massachusetts as receiver of the First Mutual Bank for Savings.

COUNT I

5. The Bank is a creditor of Martin J. Coleman, III, (the "Judgment Debtor") and has been so at all times relevant.

6. By assignment from the FDIC dated October 16, 1995, the Judgment Debtor held a mortgage interest against certain property, including more than four acres of oceanfront land in Hull, Massachusetts (the "Property"). As of that date, the Judgment Debtor held an undivided half interest in the Property with a partner, Howard J. Rock.

7. On March 19, 2001, the Judgment Debtor directed the foreclosure of said mortgage and, as a result thereof, purchased the Property by credit bid at the foreclosure sale in the name of Lauren Barry as Trustee of the Marsh Realty Trust. At times relevant, Barry served as the Judgment Debtor's attorney and acted at his direction and subject to his control with regard to her dealings concerning the Property.

8. On the day after the foreclosure sale, Barry resigned as Trustee without a successor of record. The Property remained subject to the direction and control of the Judgment Debtor.

9. The Judgment Debtor directed that his wife, the defendant be named as successor Trustee of the Marsh Realty Trust as of July 14, 2004.

10. The Judgment Debtor negotiated an arrangement to sell the property to the Massachusetts Department of Conservation and Recreation in July, 2004, for \$450,000.00.

11. The Judgment Debtor arranged that the agreed consideration for such transfer be issued in the form of a check payable to the defendant, individually. The Judgment Debtor received that check on August 2, 2004.

12. Such arrangement by the Judgment Debtor constitutes a transfer within the meaning of G.L. c.109A, §2.

13. Such transfer was made by the Judgment Debtor without receiving a reasonably equivalent value at a time when he was insolvent.

14. The transfer was fraudulent as to the Bank under G.L. c.109A, §6.

15. The Bank has been damaged by such fraudulent transfer and is entitled to the remedies provided under G.L. c.109A, §8.

COUNT II

16. The transfer was made by the Judgment Debtor with actual intent to hinder, delay or defraud his creditors in that, among other factors:

- a. The transfer was to an insider;
- b. The Judgment Debtor retained possession or control of the Property transferred after the transfer;
- c. The transfer was concealed;
- d. Before the transfer was made, the Judgment Debtor had been sued;
- e. The transfer was of substantially all of the Judgment Debtor's assets;
- f. The Judgment Debtor absconded;
- g. The Judgment Debtor concealed assets;
- h. The Judgment Debtor received no consideration for the transfer;
- i. The Judgment Debtor was insolvent at the time of the transfer.

17. The transfer was fraudulent as to the Bank under G.L. c.109A, §5.

18. The Bank has been damaged by such fraudulent transfer and is entitled to the remedies provided under G.L. c.109A, §8.

COUNT III

19. The defendant was unjustly enriched by virtue of the transfer.

20. In equity, a constructive trust ought to be imposed upon the proceeds of such transfer in whatever form now held and appropriate process issue allowing the Bank to reach and apply same toward satisfaction of the Judgment as provided under G.L. c.214, §3.

COUNT IV

21. The defendant previously held or, continues to hold various assets as the purported trustee of certain trusts, including real estate known as:

- a. 56-60 Russell Street, Waltham, Massachusetts;
- b. 156-158 Ash Street, Waltham, Massachusetts;
- c. 46-48 Lyman Street, Waltham, Massachusetts;
- d. 331-333 Grove Street, Waltham, Massachusetts;
- e. 28-30 McKenn Street, Waltham, Massachusetts;
- f. 70-72 Central Street, Waltham, Massachusetts;
- g. 19-21 Mt. Pleasant Street, Waltham, Massachusetts.

22. The defendant also holds property at 53 Childs River Road in Falmouth, Massachusetts, Captains Row, Mashpee, Massachusetts, and 298 Great Road, Littleton, Massachusetts, each titled in her name, individually.

23. The defendant also holds a 98% interest in Coleman & Sons Real Estate, Inc., the successor to the family real estate agency where the Judgment Debtor has worked his entire adult life.

24. Upon information and belief, such assets were acquired in whole or substantial part by consideration provided by or attributable to the Judgment Debtor.

25. In equity, a resulting trust ought to be declared as to such properties and appropriate process issue to permit the same to be reached and applied toward satisfaction of the Bank's judgment as provided under G.L. c.214, §3.

COUNT V

26. The defendant was unjustly enriched by virtue of the interest which she holds in the referenced real estate and Coleman & Sons Real Estate, Inc.

27. In equity, a constructive trust ought to be imposed upon each such property and the proceeds of same, to the extent of any transfer, in whatever form now held, and, appropriate process issue allowing the Bank to reach and apply same toward satisfaction of the Judgment as provided under G.L. c.214, §3.

COUNT VI

28. In order to secure payment for certain loans received from the First Mutual Bank, the Judgment Debtor granted mortgages against at least five (5) multi-family dwellings which he owned in Waltham, Massachusetts, including (a) 56-60 Russell Street; (b) 156-158 Ash Street; (c) 19-21 Mount Pleasant Street; (d) 70-72 Central Street; and (e) 331-333 Grove Street (collectively the "Waltham Mortgages").

29. In 1991, the Judgment Debtor commenced an action against First Mutual Bank seeking, *inter alia*, an Order rescinding the Waltham Mortgages.

30. Following the receivership of First Mutual Bank, the Judgment Debtor's action was removed to U.S. District Court by the FDIC and a settlement agreement was subsequently entered between the Judgment Debtor and the FDIC.

31. Upon information and belief, in part consideration for such settlement, the FDIC assigned the Waltham Mortgages and the promissory notes so secured to the Judgment Debtor or his designee. The FDIC delivered assignments of each such mortgage to the Judgment Debtor.

32. The Judgment Debtor transferred his interest in the Waltham Mortgages and the promissory notes thereby secured to the defendants, within the meaning of G.L. c. 109A, §2. Notwithstanding such transfer, the FDIC remains holder of record title to the Waltham Mortgages which remain outstanding.

33. Such transfer was made by the Judgment Debtor without receiving a reasonably equivalent value at a time when he was insolvent.

34. The transfer was fraudulent as to the Bank under G.L. c. 109A, §6.

35. The Bank has been damaged by such fraudulent transfers and is entitled to the remedies provided under G.L. c. 109A, §8, including but not limited to avoidance of the transfer of each of the Waltham Mortgages which remains outstanding and all promissory notes secured thereby.

COUNT VII

36. The transfer of the Waltham Mortgages and promissory notes secured thereby was made by the Judgment Debtor with actual intent to hinder, delay, or defraud his creditors in that, among other factors:

(a) the transfer was to an insider;

(b) the Judgment Debtor retained possession or control of the Waltham Mortgages and promissory notes secured thereby, after the transfers;

(c) the transfer was concealed;

(d) before the transfer was made, the Judgment Debtor had been sued;

(e) the transfer was of substantially all of the Judgment Debtor's assets;

(f) the Judgment Debtor absconded;

(g) the Judgment Debtor concealed assets;

(h) the Judgment Debtor received no consideration for the transfers; and

(i) the Judgment Debtor was insolvent at the time of the transfer.

37. Transfer of the Waltham Mortgages and promissory notes secured thereby was fraudulent as to the Bank under G.L. c. 109A, §5.

38. The Bank has been damaged by such fraudulent transfer and is entitled to the remedies provided under G.L. c. 109A, §8, including but not limited to avoidance of the transfer of each of the Waltham Mortgages which remain outstanding and all promissory notes secured thereby.

COUNT VIII

39. The defendant was unjustly enriched by virtue of the transfer of the Waltham Mortgages and promissory notes secured thereby.

40. In equity, a constructive trust ought to be imposed upon each of the Waltham Mortgages, the promissory notes thereby secured and all proceeds traceable thereto, and appropriate process issue allowing the Bank to reach and apply same toward satisfaction of the Judgment as provided under G.L. c. 214, §3.

WHEREFORE, the plaintiff, Citizens Bank of Massachusetts, demands that judgment issue for it and against the defendant, Pamela Baker Coleman, in the amount of its damages, together with its attorneys fees and such further relief as is appropriate.

CITIZENS BANK OF MASSACHUSETTS

By its attorneys,



Robert L. Hamer, Esq., BBO #218715
Christopher T. Meier, Esq., BBO # 640995
Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608-1477
Phone: (508) 791-8500
Fax: (508) 791-8502

Dated: March 3, 2006

CERTIFICATE OF SERVICE

I, Christopher T. Meier, hereby certify that I have this day served a copy of the foregoing document, by mailing a copy, first class mail, postage prepaid, to David B. Stein, Esq., Rubin, Weisman, Colasanti, Kajko & Stein, LLP, 430 Bedford Street, Lexington, MA 02420, and to the FDIC by process server.



Dated: March 3, 2006

Christopher T. Meier

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

-----X
CITIZENS BANK OF MASSACHUSETTS,

Plaintiff,

- against -

PAMELA BAKER COLEMAN, and
FEDERAL DEPOSIT INSURANCE CORP.,

Defendants.
-----X

:
: Civil Action No.
:

:
: Removed from the Superior Court
: Department of the Trial Court
: Suffolk County
:

CERTIFICATE OF SERVICE

I, Paul D. Maggioni, hereby certify that on June 1, 2006, all known parties required to be notified of removal pursuant to 28 U.S.C. Section 1446 were so notified by placing true and exact copies of the foregoing Notice of Removal and Notice to State Court of Filing of Notice of Removal with the United States Postal Service, postage pre-paid, as follows:

Robert L. Hamer, Esq.
Christopher T. Meier, Esq.
Mirick O'Connell, DeMallie & Lougee
Attorneys for Plaintiff Citizens
Bank of Massachusetts
100 Front Street
Worcester, MA 01608-1477

David B. Stein, Esq.
Rubin, Weisman, Colasanti, Kajko
& Stein, LLP
Attorneys for Defendant,
Pamela Baker Coleman
430 Bedford Street
Lexington, MA 02420

Dated: Braintree, Massachusetts
June 1, 2006

FEDERAL DEPOSIT INSURANCE CORPORATION

By: 
Paul D. Maggioni, Esq. #555064

Federal Deposit Insurance Corporation
Boston Area Office -- Legal Division
15 Braintree Hill Office Park
Braintree, Massachusetts 02184

Phone: (781) 794-5701
Fax: (781) 794-5600
Email: pmaggioni@fdic.gov

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, ss

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
Civil Action No. 05-2454-BLS2

-----X
CITIZENS BANK OF MASSACHUSETTS,

Plaintiff,

- against -

PAMELA BAKER COLEMAN, and
FEDERAL DEPOSIT INSURANCE CORP.,

Defendants.
-----X

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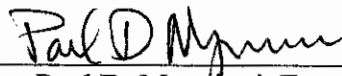
Robert L. Hamer, Esq.
Christopher T. Meier, Esq.
Mirick O'Connell, DeMallie & Lougee
Attorneys for Plaintiff Citizens
Bank of Massachusetts
100 Front Street
Worcester, MA 01608-1477

David B. Stein, Esq.
Rubin, Weisman, Colasanti, Kajko
& Stein, LLP
Attorneys for Defendant,
Pamela Baker Coleman
430 Bedford Street
Lexington, MA 02420

Dated: Braintree, Massachusetts
June 1, 2006

Federal Deposit Insurance Corporation

By:



Paul D. Maggioni, Esq. #555064

Federal Deposit Insurance Corporation
Boston Area Office – Legal Division
15 Braintree Hill Office Park
Braintree, Massachusetts 02184
Phone: (781) 794-5701
Fax: (781) 794-5600
Email: pmaggioni@fdic.gov

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPERIOR COURT DEPARTMENT
OF THE TRIAL COURT
CIVIL ACTION NO.CITIZENS BANK OF MASSACHUSETTS,
Plaintiff

V.

PAMELA BAKER COLEMAN,
DefendantCOMPLAINT05-2454
2005 JUN 16 P 2:34
MICHAEL JOSEPH DONOVAN
CLERK/MAGISTRATE
SUFFOLK SUPERIOR COURT
CIVIL CLERK'S OFFICE

B.L.S.

1. The plaintiff, Citizens Bank of Massachusetts, (the "Bank") is a duly formed banking institution with a usual place of business located at 53 State Street, Boston, Massachusetts, and is the successor-in-interest to Federal Savings Bank.
2. The defendant, Pamela Baker Coleman, is a resident of Waltham, Massachusetts. She is the wife of Martin J. Coleman, III, and has been married to him at all times relevant. By virtue of such relationship, she is an insider as concerns transfers by her husband within the meaning of G.L. c.109A, §2.
3. On June 7, 1994, judgment entered for Federal Savings Bank and against Martin J. Coleman, III, in Federal Savings Bank v. Martin J. Coleman, Individually and as Trustee of Colburn Street Realty Trust, Middlesex Superior Court, Civil Action No. 93-7254, in the amount of \$609,241.64. The Bank is the present holder of that Judgment, which remains wholly unsatisfied.

COUNT I

4. The Bank is a creditor of Martin J. Coleman, III, (the "Judgment Debtor") and has been so at all times relevant.

5. By assignment from the FDIC dated October 16, 1995, the Judgment Debtor held a mortgage interest against certain property, including more than four acres of oceanfront land in Hull, Massachusetts (the "Property"). As of that date, the Judgment Debtor held an undivided half interest in the Property with a partner, Howard J. Rock.

6. On March 19, 2001, the Judgment Debtor directed the foreclosure of said mortgage and, as a result thereof, purchased the Property by credit bid at the foreclosure sale in the name of Lauren Barry as Trustee of the Marsh Realty Trust. At times relevant, Barry served as the Judgment Debtor's attorney and acted at his direction and subject to his control with regard to her dealings concerning the Property.

7. On the day after the foreclosure sale, Barry resigned as Trustee without a successor of record. The Property remained subject to the direction and control of the Judgment Debtor.

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11. Such arrangement by the Judgment Debtor constitutes a transfer within the meaning of G.L. c.109A, §2.

12. Such transfer was made by the Judgment Debtor without receiving a reasonably equivalent value at a time when he was insolvent.

13. The transfer was fraudulent as to the Bank under G.L. c.109A, §6.

14. The Bank has been damages by such fraudulent transfer and is entitled to the remedies provided under G.L. c.109A, §9.

COUNT II

15. The transfer was made by the Judgment Debtor with actual intent to hinder, delay or defraud his creditors in that, among other factors:

- a. The transfer was to an insider;
- b. The Judgment Debtor retained possession or control of the Property transferred after the transfer;
- c. The transfer was concealed;
- d. Before the transfer was made, the Judgment Debtor had been sued;
- e. The transfer was of substantially all of the Judgment Debtor's assets;
- f. The Judgment Debtor absconded;
- g. The Judgment Debtor concealed assets;
- h. The Judgment Debtor received no consideration for the transfer;
- i. The Judgment Debtor was insolvent at the time of the transfer.

16. The transfer was fraudulent as to the Bank under G.L. c.109A, §5.

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COUNT III

18. The defendant was unjustly enriched by virtue of the transfer.

19. In equity, a constructive trust ought to be imposed upon the proceeds of such transfer in whatever form now held and appropriate process issue allowing the Bank to reach and

apply same toward satisfaction of the Judgment as provided under G.L. c.109A, §8 and G.L. c.214, §3.

COUNT IV

20. The defendant previously held or, continues to hold various assets as the purported trustee of certain trusts, including real estate known as:

- a. 56-60 Russell Street, Waltham, MA;
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21. The defendant also holds property at 53 Childs River Road in Falmouth, Massachusetts, Captains Row, Mashpee, Massachusetts, and 298 Great Road, Littleton, Massachusetts, each titled in her name, individually.

22. The defendant also holds a 98% interest in Coleman & Sons Real Estate, Inc., the successor to the family real estate agency where the Judgment Debtor has worked his entire adult life.

23. Upon information and belief, such assets were acquired in whole or substantial part by consideration provided by or attributable to the Judgment Debtor.

24. In equity, a resulting trust ought to be declared as to such properties and appropriate process issue to permit the same to be reached and applied toward satisfaction of the Bank's judgment as provided under G.L. c.214, §3.

COUNT V

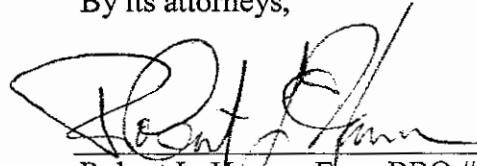
25. The defendant was unjustly enriched by virtue of the interest which she holds in the referenced real estate and Coleman & Sons Real Estate, Inc.

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WHEREFORE, the plaintiff, Citizens Bank of Massachusetts, demands that judgment issue for it and against the defendant, Pamela Baker Coleman, in the amount of its damages, together with its attorneys fees and such further relief as is appropriate.

CITIZENS BANK OF MASSACHUSETTS,

By its attorneys,



Robert L. Hamer, Esq., BBO #218715
Christopher T. Meier, Esq., BBO # 640995
Mirick, O'Connell, DeMallie & Lougee, LLP
100 Front Street
Worcester, MA 01608-1477
Phone: (508) 791-8500
Fax: (508) 791-8502

Dated: June 15, 2005